

**REMARKS**

Claims 1,4 and 6-11 have been amended and new claims 12-17 have been added.

Claims 1, 4 and 6-17 are now pending. Reconsideration is respectfully requested.

In the Office Action mailed December 23, 2003, the Examiner drew a line through JP-A-11-53587 dated February 26, 1999 on the PTO-1449 filed March 21, 2001. The Applicants respectfully request that the Examiner acknowledge and consider this reference.

**I. REJECTION OF CLAIMS 1, 4 AND 6-11 UNDER 35 U.S.C. § 101:**

Claims 1, 4 and 6-11 have been amended. Therefore, it is respectfully submitted that the rejection of claims 1, 4 and 6-11 is overcome.

**II. REJECTION OF CLAIMS 1, 4 AND 6-11 UNDER 35 U.S.C. § 102(e) AS BEING ANTICIPATED BY KAMINSKY ET AL. (US PATENT APPLICATION PUBLICATION NO. 2001/00447308; HEREINAFTER KAMINISKY):**

The present invention as recited in claim 1, for example, relates to a method of managing a selling price, comprising counting a sales quantity and setting a discount price as the selling price. The discount price produced by a discount from an original price while the sales quantity is less than a predetermined quantity. The present invention as recited in claim 1, further comprises setting the original price as the selling price at the time the sales quantity becomes equal to or greater than the predetermined quantity and providing a discount price transition table which indicates dates and discount prices, wherein each discount price corresponds to said each date, for a purchaser. The present invention further comprises accepting a purchase reservation specified with a date among the dates indicated in said discount price transition table, from the purchaser, and setting a purchase reservation time of the purchase reservation when the selling price corresponding to one of the discount prices from the discount price transition table equals the desired purchase price.

On the other hand, Kaminisky is directed to a Web-based selling system including a flexible current price, an open order mechanism, a demand price scheme and a buyer auction scheme (see paragraph [0019]). The sellers set minimum prices and permit increments of changes in price and the buyers can choose to purchase a product at a current price or set an amount they are willing to pay after a specified period of time. That is, the purchaser can place an open order by seeking a purchase price lower than the current price and await the result of

shifts in price trends. The open order is valid for a length of time for which the product offer is open (see paragraph [0036]).

In the demand price approach, the purchaser requests and commits to a set price below the current price and the demand price is good for a 24-hour period, and is either accepted or declined by the seller (see paragraph [0037]).

In the buyer auction scheme, the seller sets a start price for each product and chooses a bid increment, the purchaser submits a bid, and the highest bidder wins (see paragraph [0039]).

Also, the seller can set rules for the current price including choosing a start price for each product at a discounted price from the regular list price, and then set a time increment over which price fluctuations are reported, whereby the current price may move up or down over a given period of time as set by the seller based upon a demand for the product (see paragraphs [0049] and [0050] and page 3 of the provisional application). FIG. 3 of the Kaminisky refers to an "Offer ends" date and time (i.e., the date and time by which each item has to be sold), instead of a "schedule" as shown in FIG. 11 of the present invention.

Therefore, it is respectfully submitted that Kaminisky fails to teach or suggest "providing a discount price transition table which indicates dates and discount prices, wherein each discount price corresponds to said each date, for a purchaser; accepting, a purchase reservation specified with a date among the dates indicated in said discount transition table, from the purchaser; and setting a purchase reservation time of the purchase reservation when the selling price corresponding to one of the discount prices from the discount price transition table equals the desired purchase price," as recited in amended claim 1.

Although the above comments are specifically directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding differences of various other rejected claims over the cited reference. Therefore, it is respectfully submitted that the rejection is overcome.

### III. CONCLUSION:

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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